

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOES #1-#4, minors, by and through
their Next Friend and Guardians JOHN DOES
#1-#4,

Plaintiffs,

CASE NO. 1:23-cv-901

v.

HON. ROBERT J. JONKER

VICKSBURG COMMUNITY SCHOOLS, et al.,

Defendants.

ORDER

The court records reveal that the Next Friends and Guardians of the minor Plaintiffs filed this action under pseudonyms and without being named. In addition, Fed.R.Civ.P. 5.2(a), a minor shall be identified by their initials unless the court orders otherwise. “It is a general rule that a complaint *must* state the names of the parties.” *Citizens for a Strong Ohio v. Marsh*, 123 F. App’x 630, 636 (6th Cir. 2005); *see* Fed. R. Civ. P. 10(a). “There is no provision in the Federal Rules of Civil Procedure for suit against persons under fictitious names, and there are likewise no provisions for anonymous plaintiffs.” *Coe v. U.S. Dist. Ct. for Dist. of Colo.*, 676 F.2d 411, 415 (10th Cir. 1982). Nevertheless, federal courts have permitted a plaintiff to proceed under a pseudonym in exceptional circumstances, but only where the plaintiff first files a proper action and then moves for a protective order that would permit him to proceed anonymously. *See Citizens for a Strong Ohio*, 123 F. App’x at 636-37; *see also Doe v. Pub. Citizen*, 749 F.3d 246, 275 (4th Cir. 2014) (observing that because of the public’s interest in open judicial proceedings, only exceptional circumstances justify the use of a pseudonym). Permission is granted only in exceptional

circumstances. *See id.*; *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004); *see also Rowe v. Burton*, 884 F.Supp. 1372, 1387 (D. Alaska 1994) (suggesting that only a serious risk of bodily harm would warrant proceeding under a pseudonym). Here, however, it appears that the Court “lack[s] jurisdiction over the unnamed parties, as a case has not been commenced with respect to them.” *Id.* at 637 (citing *Nat’l Commodity & Barter Ass’n v. Gibbs*, 886 F.2d 1240, 1245 (10th Cir. 1989)); *see also* Fed. R. Civ. P. 10(a). Indeed, “the unnamed plaintiffs have made no request to the district court for permission to proceed anonymously, nor have they otherwise disclosed their identities to the court or to the defendants.” *Nat’l Commodity & Barter Ass’n*, 886 F.2d at 1245. Generally, the “[f]ailure to seek permission to proceed under a pseudonym is fatal to an anonymous plaintiff’s case.” Therefore,

IT IS ORDERED that Plaintiffs shall show cause in writing by **September 15, 2023**, why the Court should not dismiss the case against Defendants for lack of jurisdiction. The response may include a properly supported Motion for a Protective Order.

Dated: September 1, 2023

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE